

## APPEAL NO. 010062

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 10, 2000. The hearing officer determined that the respondent's (claimant) compensable (left foot and ankle) injury extends to the low back, testicular numbness, and urinary incontinence.

The appellant (carrier) appeals, contending that there is insufficient expert medical evidence to establish causation of the claimed additional conditions. The appeal file does not contain a response from the claimant.

### DECISION

Affirmed in part, and reversed and rendered in part.

It is undisputed that on \_\_\_\_\_, the claimant sustained a compensable injury when a pallet jack shifted and trapped the claimant's left foot between the jack and a trailer, and that three coworkers worked to pull the claimant's body free. The carrier has accepted liability for a left foot and ankle injury. In dispute was whether the claimant twisted his body in the process and whether the claimant felt pain or discomfort in his low back and, subsequently, his groin. Although the initial records only reference complaints regarding the claimant's left foot, leg, and hip, subsequent records and reports from Dr. M comment that the mechanism of the compensable injury and the forced altered gait were the cause of the claimant's lumbar complaints. We affirm the hearing officer's decision that the compensable injury extended to include the low back.

The carrier authorized at least one, and the claimant had three, lumbar sympathetic block injections for his low back complaints. After the third sympathetic block injection on July 8, 1999, the claimant's testicular and urinary problems either started or got worse. Dr. B, a carrier-selected peer review doctor, in a report dated February 25, 2000, stated that while the testicular and inguinal pain complaints were not related to the original foot injury they "could have resulted as complications of lumbar sympathetic block." The hearing officer accepted that explanation and found that the testicular complaints and urinary incontinence "only developed . . . after the lumbar sympathetic block," although there was medical evidence to the contrary.

While the hearing officer's finding regarding the testicular numbness finds support in Dr. B's report, that report does not support the finding that the compensable injury extended to urinary incontinence. Dr. B, in referring to complications of the lumbar sympathetic block, only refers to "testicular numbness and inguinal pain" and specifically states that "bladder incontinence would normally not be an expected complication of this procedure [the lumbar sympathetic block injections]." Consequently, we affirm the determination that the compensable injury extended to the low back and testicular numbness as being supported by the evidence, but reverse the determinations regarding

urinary incontinence as being unsupported by medical evidence and against the great weight and preponderance of the evidence.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer regarding the extent of injury to the low back and testicular numbness are affirmed. We reverse the hearing officer's decision regarding the urinary incontinence and render a new decision that the claimant's compensable injury does not extend to urinary incontinence.

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge